

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH PARRISH,

Plaintiff,

v.

DEBORAH McCULLOCH and
WILLIAM PARKER,

Defendants.

ORDER

12-cv-750-bbc

Plaintiff Kenneth Parrish is proceeding on a claim that defendants Deborah McCulloch and William Parker violated his right of access to the courts by interfering with his appeal to the Court of Appeals for the Seventh Circuit. At the preliminary pretrial conference held on February 26, 2013, Magistrate Judge Stephen L. Crocker set the schedule for trial, including deadlines for filing dispositive motions. The deadline for filing dispositive motions was on November 1, 2013, and defendants have filed a motion for summary judgment, which is being briefed. Plaintiff's brief in opposition to defendants' motion for summary judgment is due December 2, 2013. Now plaintiff has filed his own motion for summary judgment.

Plaintiff's motion is postmarked October 31 so I will not deny the motion as untimely. However, I will deny the motion because plaintiff has failed to follow the procedures as outlined in the court's Procedure To Be Followed On Motions For Summary

Judgment. In particular, he did not submit proposed findings of fact in support of his motion as a separate document and point to admissible evidence in the record to support each factual proposition. In his brief he seems to include an attempt at proposed findings of fact, but almost all of the following statements are legal argument rather than factual propositions and it is very difficult to see how the opposing party could respond to it.

The court's procedure was included with the February 28, 2013 pretrial conference order and I will include a copy of the procedure along with this order. Plaintiff needs to take note of this procedure because he has a deadline of December 2, 2013 to file his brief in opposition to defendants' motion for summary judgment. In responding to defendants' motion, plaintiff will have to submit proposed findings of fact and evidence that comply with the court's procedure.

ORDER

IT IS ORDERED that

Plaintiff Kenneth Parrish's motion for summary judgment, dkt. #24, is DENIED.

Entered this 26th day of November, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge